

**LAKE COUNTY PLANNING BOARD**  
**February 12, 2014**  
**Lake County Courthouse, Large Conference Room (Rm 316)**  
**Meeting Minutes**

**MEMBERS PRESENT:** Bob Kormann, John Fleming, Sigurd Jensen, Brian Anderson, Rick Cothorn, Roland Godan, Jerry d'Aquin (7:03 pm)

**STAFF PRESENT:** LaDana Hintz, Robert Costa, Matthew Rohrbach, Lita Fonda

Bob Kormann called the meeting to order at 7:00pm. Officers for 2014 needed to be selected. Bob offered to vote for another interested party.

**Motion by Sigurd Jensen, and co-seconded by John Fleming and Rick Cothorn, to retain the officers from 2013 (Bob Kormann as chair and Steve Rosso and vice chair). Motion carried, all in favor.**

**Motion by Sigurd Jensen, and seconded by Rick Cothorn, to approve the September 11, 2013 meeting minutes as written. Motion carried, Rick Cothorn, Sigurd Jensen and Roland Godan in favor, and Bob Kormann, John Fleming, Brian Anderson and Jerry d'Aquin abstained.**

**PEPE VARIANCE REQUEST—LAKE COUNTY LAKESHORE PROTECTION REGULATIONS (approx. 7:06 pm)**

Robert Costa presented the staff report. (See attachments to minutes in the February 2014 meeting file for staff report.) He noted that Marc Carstens and Johna Morrison were present on behalf of the applicants.

John F asked if the new dock would improve the flow through of water for finding of fact #1. Robert said it might. Currently the breakwater baffle bards extended to the lake bottom. With the proposed dock, the baffle boards would stop 3 feet above the existing lake bottom, so it could improve a little bit.

Roland commented on the charts. The property line extension into the waterway itself was skewed about 10 degrees north and did not follow the true riparian angle. It looked like the SE corner of the dock crossed the property line when it did not. Robert thought Marc Carstens would have a comment on that.

Jerry d'Aquin checked that the staff interpretation was that this would be the same or improved from what it was. He was going back to some of the discussions for the proposed lakeshore regulations. If he was a home owner and his house burned to the ground, would he not be bound by the new regulations, even though it was a new house he would be constructing on the site? Robert replied that new construction required compliance with the existing regulations that are in place. Jerry asked if he could use the argument that he was building exactly what was there before. Robert said Jerry could make that argument; Robert wasn't sure how that would fly with the Board of Adjustment. LaDana added he could ask for a variance.

Bob asked if the boathouse burnt down, would it be allowed to be built right where it was. Robert answered that they would have to go through variance review if they wanted that. They would be required to comply unless they wanted to get a variance.

Johna Morrison of Carstens Surveying introduced the applicants. With regards to the question if this would help with the water quality, it would a tiny bit by having a little higher breakwater. The rocks would actually be scoured a little more. She pointed out other features on a diagram. She noted that Roland was correct about the error on the riparian line. There was a 10 degree skew. It wasn't as bad as it looked.

Bob asked about one of the structures. Johna replied it was a big dock at one time. A boathouse was built on top, and then they covered the dock. John Pepe said it was a marina that extended on their side. Bob asked about the distance from the leg of the F dock, which was pointed out, to that structure. Johna estimated around 51 feet. She talked to the [southern] neighbor, who had no problem with the dock. Their concern was the removal of something she pointed out. John P checked that they were referring to the little [inaudible] dock there. He said that owner approached him to ask if he would remove it when he built his dock. That owner planned to put his dock more to the middle of his property. John P and his wife wanted to have something drawn up [with the other owner] that stated he was okay with it, not just a verbal okay. Johna said she was concerned with the liability of removing that dock. John P said they were just working on their own stuff.

Bob checked that the corner of the Pepe boathouse was on [the neighbor's] property. John P estimated that it was 9 inches onto [the neighbor's] property. Tonia Pepe added the marina was about 1 ½ feet onto the Pepe property.

Roland thought it might be nice to remove the baffle boards off of that dock, especially if it wasn't being used. Johna verified which dock he referred to. They were coming to terms with removing it. She felt there was a liability issue with removing a dock on someone else's property. They needed to have a written agreement so there were no surprises.

*Public comment opened:* No further comment offered. *Public comment closed.*

Motion made by Roland Godan, and seconded by Sigurd Jensen, to allow the variance as requested. Bob checked with Robert on the wording. Robert replied they might make a motion to recommend that the proposal or application complied with the policy criteria for issuance of a permit in section 5-1 of the regulations. He referred to the middle of pg. 6 of the staff report.

**Motion made by Roland Godan that the review of the variance requests will follow procedures outlined in section 4-3 of the Lakeshore Protection Regulations, whose primary focus of the Planning Board's review will be to determine compliance with the 'Policy Criteria of Issuance of a Permit' contained in section 5-1 of the regulations.** Robert checked that Roland was making a recommendation that the project complied with section 5-1. Roland affirmed. **Seconded by Sigurd Jensen. Motion carried, all in favor.**

**OTHER BUSINESS (7:22 pm)**

The Board welcomed Matthew Rohrbach and congratulated LaDana on her promotion. She touched on the many regulations in need of update, upcoming zoning and a master plan for parks. The Board would be involved.

**Motion made by Rick Cothorn, and seconded by Jerry d'Aquin, to adjourn. Motion carried, all in favor.** Meeting adjourned at 7:34 pm.